United Nations S/2005/847

Security Council

Distr.: General
30 December 2005

Original: English

Letter dated 20 December 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to inform you that the United Nations has received a request from the Chairman of the Independent Inquiry Committee, Paul Volcker, to maintain the operation of the Independent Inquiry Committee until the end of March 2006. I have also received a letter from the Permanent Representative of Iraq to the same effect.

Given the support of the Government of Iraq for this proposal and in view of the volume of inquiries to the Committee for the cooperation coming from Member States seeking to follow up on the findings of its final report, I have decided to accede to this request. In this context, I attach herewith a letter from my Chief of Staff to Mr. Volcker setting out the basis for the extension and other important details on the follow-up functions of the Independent Inquiry Committee and related matters (see annex). You will note that the Committee, having fully completed its investigation, would not retain any ongoing investigative capacity or authority.

I should be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council for their information.

(*Signed*) Kofi A. **Annan**

06-20031 (E) 040106

Annex

Letter dated 20 December 2005 from the Chef de Cabinet addressed to the Chairman of the Independent Inquiry Committee

I refer to your letter of 18 November requesting authorization from the United Nations for the Independent Inquiry Committee on the oil-for-food programme to continue in operation until the end of March 2006 and referencing your discussion with the Permanent Representative of Iraq in this regard. The Secretary-General has now separately received a similar letter from the Permanent Representative of Iraq with the same request.

Given the support of the Government of Iraq for this proposal and recognizing the volume of enquiries to the Committee for cooperation coming from Member States seeking to follow up on the findings of its final report, the Secretary-General is happy to accede to this request. This extension would be exclusively for the purposes of assisting with duly authorized law enforcement and regulatory agencies in cases they may be pursuing against companies, individuals and other entities resulting from the work of the Independent Inquiry Committee. Having fully completed its investigation, the Committee would not retain any ongoing investigative capacity or authority. The functions of the remaining staff would be managing access to the substantial documentary archive the Committee has amassed during the course of its work. They would also be responsible, in coordination with the United Nations, for making sure the archive is preserved and catalogued for future use.

As discussed with your office, given its limited follow-up function, the Committee itself would formally disband at the end of December. However, a follow-up entity, provisionally designated the Office of the Independent Inquiry Committee, would continue through the end of March 2006 to support the follow-up activities outlined above, with some additional funding also to be provided for April 2006 to cover any final costs associated with formally closing the Office. Reid Morden, Executive Director of the Committee, would become Executive Director of the new Office. You and your fellow Committee members have kindly agreed to remain as an advisory panel available for consultation to resolve any policy and operational issues relating to the release of documents that might come to light. We would also have to inform the Security Council of these extended arrangements.

At the end of March 2006, the United Nations would take over formal management control of the archive of the Committee, ensuring their integrity and providing full cooperation with any new or ongoing investigations by appropriate national authorities. It is very likely we would seek to retain several Committee staff members with knowledge of the archive to respond to future enquiries, and seek some additional funding for their retention as well as to cover costs relating to management of the archive. As there will need to be a seamless disclosure policy between the period when the Office of the Independent Inquiry Committee manages the archive and its subsequent reversion to United Nations control, the quick conclusion of the discussions between the United Nations and the Committee on an information disclosure and document retention policy is now imperative.

(*Signed*) Mark Malloch **Brown**
Chef de Cabinet